

UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ILLINOIS

JACK TURNER and PAM TURNER,  
Co-Administrators of the Estate of CORBIN  
TURNER, Deceased,

Plaintiffs,

Case No. 08-cv-837-JPG

v.

OFFICE OF THE SHERIFF OF  
CRAWFORD COUNTY; TODD W.  
LISTON, Sheriff of Crawford County;  
TATE MEYERS, Individually and as agent  
or employee of the OFFICE OF THE  
SHERIFF OF CRAWFORD COUNTY;  
TROY LOVE, Individually and as an agent  
or employee of the OFFICE OF THE  
SHERIFF OF CRAWFORD COUNTY;  
HENRY VAN WINKLE, Individually and as  
agent or employee of the OFFICE OF THE  
SHERIFF OF CRAWFORD COUNTY;  
BILL HACKMAN, Chief of Police of the  
CITY OF ROBINSON; BRUCE A. FELTY,  
Individually and as agent or employee of the  
POLICE DEPARTMENT OF THE CITY  
OF ROBINSON; OFFICER STRAUCH,  
Badge No. 139, Individually and as agent or  
employee of the POLICE DEPARTMENT  
OF THE CITY OF ROBINSON; CITY OF  
ROBINSON; and CRAWFORD COUNTY  
BOARD,

Defendants.

**MEMORANDUM AND ORDER**

This matter comes before the Court on Plaintiffs's Notice of Voluntary Dismissal of Defendant Henry Van Winkle (Doc. 22). Rule 41(a)(1)(A)(i) allows dismissal of an action by a plaintiff without a court order at any time before service by an adverse party of an answer or of a motion for summary judgment, whichever first occurs. Defendant Van Winkle has not filed an

answer or motion for summary judgment in this case. Because the plaintiff has an absolute right to dismiss his claims against Defendant Van Winkle at the present time, the Court finds that all claims against Defendant Van Winkle are **DISMISSED without prejudice** and **DIRECTS** the Clerk of Court to enter judgment accordingly at the close of the case.

**IT IS SO ORDERED.**

**DATED: February 20, 2009**

s/ J. Phil Gilbert

**J. PHIL GILBERT**

**DISTRICT JUDGE**